

Exhibit “E” – Order Dismissing
Sakinah Green, et al.

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**SAKINAH GREEN INDIVIDUALLY AND ON
BEHALF OF ALL THE HEIRS AT LAW AND
WRONGFUL DEATH BENEFICIARIES OF
MARIO CLARK, DECEASED**

PLAINTIFF

VS.

CIVIL ACTION NO.: 3:20-cv-00107-HTW- LGI

**CITY OF JACKSON, MISSISSIPPI
AND JOHN DOES 1-10**

DEFEDANTS

ORDER

CAME ON TO BE HEARD on the 26th day of August, 2021, a settlement conference was held and the Court finds as follows:

On February 17, 2020, in Hinds County Circuit Court, Sakinah Green individually and on behalf of all the heirs and wrongful death beneficiaries of Mario Clark, deceased, filed an Amended Complaint against the City of Jackson (hereinafter “COJ”) relating to a police response to 2738 Pinedale Street on February 14, 2019, in reference to a mentally ill patient causing a disturbance. The complaint alleges constitutional violations amongst other complaints. Said complaint was filed by Green’s attorney, Sweet & Associates.

On February 26, 2020, COJ filed a Notice of Removal. (DKT #1)

After an Initial Telephonic Conference, and Motion to Remand and Responses thereto were filed by the parties, this Court denied the Motion to Remand on August 21, 2020 (DKT#12) and

on August 24, 2020 granted Green through her attorney Sweet & Associates to file a Second Amended Complaint. (DKT#13)

A Telephonic Case Management Conference was held on August 26, 2020, and a case management Order was entered on August 27, 2020. (DKT#15)

On September 4, 2020, COJ filed its Initial Disclosure (DKT#15) and its Answer to the Second Amended Complaint on September 8, 2020. (DKT#17)

On September 16, 2020, Green's law firm Sweet & Associates filed a Motion to Withdraw as Counsel. (DKT18)

On October 8, 2020, the Court granted the Motion to Withdraw as Counsel with the prerequisite that Sweet & Associates serve a copy of the Withdrawal Order upon Green via certified mail and file a certificate of service within fourteen (14) days of the Order for Withdrawal to be effective. The Court further granted Green until November 23, 2020, to employ new counsel or notify the Clerk of Court her intention to represent herself, or the case be subject to dismissal. (DKT# 19)

On January 15, 2021, COJ filed a Motion to Dismiss based on Green's counsel's failure to file a certificate with the Court indicating Green was served with the Withdrawal Order and that Green had failed to either retain new counsel or give her intention she wished to proceed pro se. (DKT# 21)

On February 1, 2021, Magistrate Judge Isaac entered an Order To Show Cause to Sweet & Associates as to why no certificate verifying service was filed nor information of Green's current contact information and gave Sweet & Associates ten (10) days to comply. (DKT#23)

After receiving the proper contact information of Green and Sweet & Associates representation that Green received the Withdrawal Order, the Court held a status conference via zoom on May 6, 2021. Green participated by herself maintaining she was attempting to find new counsel and COJ was represented by Lee Davis Thames, Jr. A new Amended Case Management Order was entered.

Over three months later, this Court held a Settlement Conference on August 26, 2021. While counsel for COJ was present, Green did not appear. This Court found that Green had not notified the Court whether she has hired new counsel or whether she wishes to proceed pro se as previously ordered by this Court.

Therefore, this Court dismisses this matter without prejudice. However, with an adequate reason and cause stating why she has not complied with the Court's prior Order, Green may file a certificate within fifteen (15) days of entry of this Order naming new counsel with new counsel entering an entry of appearance or her intent to proceed pro se. If Green fails to comply within fifteen (15) days of entry of this Order, the Court shall enter a Final Judgment of dismissal without prejudice.

So Ordered this the 30th of August, 2021.

s/ HENRY T. WINGATE
U.S. District Court Judge